

**Letter of Appeal Regarding
USAC Appeal Denial (RFCDL) Dated 7-23-2019
Applicant: BEN 16063199 – David Posnack Jewish Day School**

July 30, 2019

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Applicant/Appellant Name:	Richard Senturia, Consultant for Applicant/Appellant
Applicant/Appellant:	David Posnack Jewish Day School
FCC Registration Number:	0020574950
Applicant Billed Entity Number (BEN)	16063199
Form 471 Application Number:	171015724
Funding Request Number(s):	1799030050
Funding Year:	2017
USAC Appeal Denial Date:	7-23-2019

To whom it may concern:

We hereby appeal USAC's Appeal Denial (Revised Funding Commitment Decision Letter) Dated July 23, 2019, which denied applicant's request for USAC to correct its own error, and to have USAC's records reflect the SPIN change previously granted to applicant pursuant to a previous RFCDL dated October 16, 2018.

Applicant originally filed Form 471 Application Number 171015724 on April 8, 2017, and, due to a ministerial/clerical error, included the wrong SPIN number for the vendor. On or about October 7, 2018, applicant filed for a SPIN change from SPIN 143036269 to the correct SPIN of 143033075 (Fibernet Direct Florida, LLC). Per RFCDL dated October 16, 2018, USAC **granted** the requested SPIN change.

However, due to USAC's own internal error(s), USAC's computer system continued to show the old/incorrect SPIN, even **after** the RFCDL dated October 16, 2018, granting the SPIN change. This is still shown even now in the USAC FRN Status Tool, which shows a SPIN of 143036269 for FRN 1799030050, instead of the correct SPIN of 143033075. USAC should have corrected the SPIN in their own system after granting the SPIN change in the RFCDL dated October 16, 2018.

After discovering USAC's error through our own investigation, on or about December 28, 2018, we filed Appeal Number 131361 with USAC in order to get USAC's system to reflect the SPIN

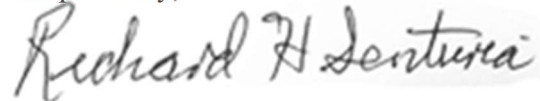
change they had already granted. On July 23, 2019, USAC issued a second RFCDL, denying the appeal filed December 28, 2018, on the basis that the appeal was filed more than 60 days after the October 16, 2018, RFCDL. We should never have needed to file the December 28, 2018, appeal in the first place, given that the entire problem is USAC's own error in failing to correct its own data system to reflect the SPIN change that USAC already granted.

The FRN sought funding in the amount of \$13,939.20, and had been approved/committed by USAC, albeit initially with the wrong SPIN. Given that USAC refuses to correct **its own error**, the applicant stands to lose potentially \$13,939.20 of funding. The applicant asks that the FCC: (1) grant applicant's request to have USAC's data system reflect the SPIN change to 143033075 that USAC already granted in the RFCDL dated October 16, 2018; (2) order USAC to implement a more effective data system that reflects RFCDL's that USAC itself issues; (3) reprimand USAC for this error.

It is outrageous and unacceptable that USAC should require an applicant to fix an internal data error in its own system that USAC refuses to correct on its own. Moreover, it is unacceptable that USAC would hold applicant to a 60-day deadline to appeal such error, given that such a ruling is tantamount to requiring applicants to review every bit and byte of data in USAC's entire data system prior to expiration of any possible appeal deadline.

In light of the circumstances set forth above, the FCC should grant Applicant's requested relief. Thank you for your consideration of this matter. Please let us know if you require any additional documentation or materials.

Respectfully,

A handwritten signature in black ink that reads "Richard H. Senturia". The signature is written in a cursive, flowing style.

Richard Senturia
eRate Program, LLC
9666 Olive Blvd., Suite 215
(314) 282-3676
rsenturia@erateprogram.com
Consultant for Applicant/Appellant